

JUDGE BAERUNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

JOHN L. EDMONDS, INDIVIDUALLY
AND AS A MANAGING GENERAL
PARTNER OF FIFTH AND 106TH
STREET HOUSING COMPANY, INC.,
LOGAN PLAZA ASSOCIATES, LP,
CHARLES H. ASSOCIATES a/k/a
CHARLES H. HILL ASSOCIATES, LP
AND AS A LIMITED PARTNER OF
CHURCH HOME ASSOCIATES, LP,

Plaintiff,

-against-

ROBERT W SEAVEY, INDIVIDUALLY
AND AS A GENERAL PARTNER OF
FIFTH AND 106TH STREET
ASSOCIATES, LP, LOGAN PLAZA
ASSOCIATES, LP, CHARLES HILL
ASSOCIATES, CHARLES HILL
ASSOCIATES, LP AND AS A LIMITED
PARTNER OF CHURCH HOME
ASSOCIATES, LP; PHYLLIS M. SEAVEY
INDIVIDUALLY AND AS OWNER,
MANAGER AND MEMBER OF DALTON
MANAGEMENT COMPANY LLC;
AVERY B. SEAVEY, INDIVIDUALLY
AND AS A GENERAL PARTNER OF
LOGAN PLAZA ASSOCIATES, LP,
CHURCH HOME ASSOCIATES AND
OWNER OF DALTON MANAGEMENT
COMPANY, LLC; NEALE B. SEAVEY,
INDIVIDUALLY AND AS OWNER,
MANAGER AND MEMBER OF DALTON
MANAGEMENT COMPANY, LLC; AND
RONALD DAWLEY AS CHIEF
EXECUTIVE OFFICER OF DALTON
MANAGEMENT COMPANY, LLC;
DALTON MANAGEMENT COMPANY,
LLC, THE SEAVEY ORGANIZATION,
and MARK PANETH & SHRON, Auditors,

Defendants.

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 6/25/08

08 CIV 56467

ORDER TO
SHOW CAUSE FOR
PRELIMINARY
INJUNCTION AND
TEMPORARY
RESTRAINING ORDER

Upon the affidavits of John L. Edmunds, sworn to the 17th day of June, 2008,

Orley Cameron, sworn to on the 4th Day of June, 2008 and the affirmation of M. Douglas

Haywoode, Esq. affirmed to on the 10th Day of June, 2008 and upon a copy of the complaint annexed hereto, it is

Hon. Harold Baer

ORDERED, that the above named defendant [§] ~~show cause before a motion term of~~
 ✓ this Court, at Room ~~the~~ 12, United States Courthouse, 500 Pearl Street, in the City,
 ✓ County and State of New York, on Sept 12, at 9:00 o'clock
 ✓ in the fore noon thereof, or as soon thereafter as counsel may be heard, why an order should not be issued pursuant to Rule 65 of the Federal Rules of Civil Procedure enjoining the defendants during the pendency of this action from not complying with all requests from the independent auditors, retained by John L. Edmunds as Managing General Partner, Cameron, Griffiths & Price, CPA's, LLC in the audit commenced on March 27th of 2007; and it is further

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~~ORDERED that sufficient reason having been shown therefore, pending the determination of plaintiff's application for a preliminary injunction, Pursuant to Rule 65 of the Federal Rules of Civil Procedure, the defendants are temporarily restrained and enjoined from taking any further action regarding the transfer of partnership assets and bank accounts, or establishing new bank accounts, or making any major payment or transfer of funds in excess of \$1,000.00, with the exception of any employee payroll, or of taxes due or office rent without Plaintiff's consent or otherwise affecting the ownership, control or special business of partnerships FIFTH AND 106th STREET ASSOCIATES, LP, LOGAN PLAZA ASSOCIATES, LP, CHARLES HILL ASSOCIATES, CHARLES HILL ASSOCIATES, LP AND CHURCH HOME ASSOCIATES; and it is further~~

~~ORDERED, given the nature of the relief requested in the premises, that security~~
be dispensed with; and it is further

ORDERED that personal service of a copy of this order and the annexed
affidavits upon the defendants or counsel on or before 5 o'clock in the ~~pm~~ noon,

July, 11, shall be deemed good and sufficient service thereof. *Discovery proceedings*

DATED: New York, New York *may commence immediately.*

Issued *M*

6/24/08

[Signature]
United States District Judge
PFI